

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2009CA0348
BEVERLY BALLARD)	EEOC NO.: 21BA82759
)	ALS NO.: 10-0040
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Marti Baricevic, Robert S. Enriquez, and Gregory Simoncini presiding, upon Beverly Ballard's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")^[1] of Charge No. 2009CA0348; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, WHEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

EXPIRATION OF TIME PERIOD TO FILE A COMPLAINT

In support of which determination the Commission states the following findings of fact and reasons:

1. On September 2, 2008, the Petitioner filed a charge of discrimination with the Respondent. The Petitioner alleged that the Chicago Park District ("Employer") failed to promote her and discharged her because of her race, Black; her age, 43; her sex, female; and her mental disability, learning disabled, in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act"). Thereafter, the Respondent had 365 days to complete its investigation of the Petitioner's charge.
2. Pursuant to Section 7A-102(G)(2) of the Act, if the Respondent failed to complete its investigation of the Petitioner's charge within 365 days, or by September 2, 2009, the Petitioner would have a 90-day "window" of time in which to file a Complaint of Civil Rights Violation ("Complaint") either with the Commission or with the circuit court. See 775 ILCS 7A-102(G)(2).

^[1] In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

3. The Respondent failed to complete its investigation of the Petitioner's charge by September 2, 2009. The Respondent notified the Complainant that as the investigatory period had expired, she had the right to file a Complaint with the Human Rights Commission or to commence a civil action in the circuit court, between September 2, 2009 and December 1, 2009. The Petitioner was also advised that pursuant to Section 7A-102(G)(2), she was required to notify the Respondent if and when she filed a Complaint.
4. The Respondent received no notice that the Petitioner had filed a Complaint.
5. On December 15, 2009, the Respondent dismissed the Petitioner's charge pursuant to Section 7A-102(G)(3) of the Act, which provides as follows:

If an aggrieved party files a complaint with the Human Rights Commission or commences a civil action in circuit court pursuant to paragraph (2) of this subsection, or if the time period for filing a complaint has expired, the Department shall immediately cease its investigation and dismiss the charge of civil rights violation. Any final order entered by the Commission under this Section is appealable in accordance with paragraph (B)(1) of Section 8-111. Failure to immediately cease an investigation and dismiss the charge of civil rights violation as provided in this paragraph (3) constitutes grounds for entry of an order by the circuit court permanently enjoining the investigation. The Department may also be liable for any costs and other damages incurred by the respondent as a result of the action of the Department.

775 ILCS § 7A-102(G)(3)

6. On January 19, 2010, the Petitioner filed this timely Request. The Petitioner states that she gave up and did not do anything because she believed that her charge had been dismissed and that she had lost her case. The Petitioner states she then received a letter stating that she could still file a charge. The Petitioner states she would like to file a charge.
7. In its Response, the Respondent requests that the Commission sustain the dismissal of the Petitioner's charge pursuant to Section 7A-102(G)(3) of the Act.

Conclusion

The Commission concludes that the Respondent properly dismissed all counts of the Petitioner's charge.

There is no dispute that the time period for the Respondent to investigate the Petitioner's charge has expired. There is no evidence the Petitioner filed a Complaint with either the Commission

or commenced a civil action in the circuit court. Therefore, the Respondent did not commit error when it dismissed the Petitioner's charge pursuant to Section 7A-102(G)(3) of the Act.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show the Respondent's dismissal of her charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

WHEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and the Chicago Park District, as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

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Entered this 25th day of August 2010.

Commissioner Marti Baricevic

Commissioner Robert S. Enriquez

Commissioner Gregory Simoncini